

## **2011 DRAFTING REQUEST**

### **Assembly Amendment (AA-AB547)**

Received: **02/16/2012**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Karl Van Roy (608) 266-0616**

By/Representing: **Tanya Hein**

May Contact:

Drafter: **tkuczens**

Subject: **Occupational Reg. - prof lic**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.VanRoy@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

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#### **Pre Topic:**

No specific pre topic given

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#### **Topic:**

Cemetery salespersons

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#### **Instructions:**

See attached

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#### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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	02/20/2012	02/20/2012	02/20/2012	_____	02/20/2012	02/20/2012	

FE Sent For:

**<END>**

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FE Sent For:

<END>

## Kuczenski, Tracy

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**From:** Kite, Robin  
**Sent:** Thursday, February 16, 2012 11:21 AM  
**To:** Hein, Tanya  
**Cc:** Kuczenski, Tracy  
**Subject:** RE: AB 547 - cemeteries  
Tanya:

Tracy Kuczenski of our office is handling this item. I am copying her on this email.

Robin

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**From:** Hein, Tanya  
**Sent:** Thursday, February 16, 2012 11:16 AM  
**To:** Kite, Robin  
**Subject:** RE: AB 547 - cemeteries

Hi Robin,

Ok. I've looked this over more thoroughly and talked to the folks involved since it didn't make sense to me. The memo I received did not properly convey their intent. The goal is to delete 440.91(8) from state statutes. In other words, the real estate stuff should not apply to the cemeteries because they no longer have to be real estate brokers and they are no longer regulated by real estate board since they have their own board now.

Sorry if there was any confusion.

p. 54 ln. 20-23

*Tanya R. Hein*

Research Assistant  
Office of State Rep. Karl Van Roy  
90th Assembly District

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**From:** Hein, Tanya  
**Sent:** Wednesday, February 15, 2012 5:43 PM  
**To:** Kite, Robin  
**Subject:** AB 547 - cemeteries

Robin,

If this is not your issue area, please pass it on to the appropriate person who handles it. Below is the relevant information. I think the amendment would simply delete Section 164 from the bill. Thanks!

### History:

Until 1991, Wisconsin cemetery authorities and cemetery salespersons were regulated by the Real Estate Examining Board at the Department of Regulation and Licensing. Also, at one time, each cemetery authority in the state of Wisconsin was required to have a licensed real estate broker on staff (which is

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no longer the case). As such, the Real Estate Examining Board had a tendency to impose regulations created for real estate professionals on cemetery salespersons. They took this broad approach to avoid creating two sets of regulations – one for real estate agents and brokers and another one for cemetery salespersons.

**Rationale:**

Imposing regulations created for real estate agents and brokers is outdated and unnecessary:

- The real estate industry and cemetery industry are two very distinct industries with very little in common.
- Cemetery authorities and salespeople are no longer regulated by the Real Estate Examining Board.
- Cemetery authorities and salespeople are now regulated by their own separate Board (the WI Cemetery Board at DSPS), which has rule-writing authority and the ability to discipline licensed professionals for misconduct.
- Wisconsin's current cemetery laws (chp. 157 and 440) are effective – and provide sufficient consumer protection and oversight of the industry – without ss. 440.91(8). In other words, the section is outdated and unnecessary.

**Bill as Drafted:**

**SECTION 164.** 440.91 (8) of the statutes is amended to read:

440.91 (8) Sections 452.13, 452.14, 452.15, 452.18, 452.21 and 452.22, as they apply to real estate brokers or salespersons, apply with equal effect to cemetery authorities and salespersons.

**Suggested modification:**

Delete **SECTION 164** in its entirety

***Tanya R. Hein***

Research Assistant  
Office of State Rep. Karl Van Roy  
90th Assembly District



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa2386/1

TKK:.....

luc jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~  
ASSEMBLY AMENDMENT,  
TO 2011 ASSEMBLY BILL 547

2/20/12

Today

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 54, line 20: delete lines 20 to 23 and substitute:
- 3 "SECTION 164m. 440.91 (8) of the statutes is repealed."
- 4 (END)